

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RONICTOR JOSEPH,	)	
	)	Civil Action No. 04 - 139J
Petitioner,	)	
	)	Judge Kim R. Gibson /
v.	)	Magistrate Judge Lisa Pupo Lenihan
	)	
TRACY W. JOHNS,	)	
	)	
Respondent.	)	

**MEMORANDUM ORDER**

The above captioned Petition was transferred to the Western District of Pennsylvania from the Southern District of Florida on June 22, 2004, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation (Doc. No. 8), filed on October 24, 2005, recommended that the habeas petition filed by the Petitioner pursuant to 28 U.S.C. § 2241 be dismissed. Service was made on the Petitioner at F.C.I. Loretto, P.O. Box 1000, Loretto, PA 15940 and on counsel of record for the Respondent. The parties were informed that in accordance with Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, that they had ten (10) days to file any objections. No objections have been filed. After review of the pleadings and the documents in the case, together with the report and recommendation the following order is entered:

AND NOW, this 13<sup>th</sup> day of December, 2005;

**IT IS HEREBY ORDERED** that the habeas petition filed by the  
Petitioner pursuant to 28 U.S.C. § 2241 is **DISMISSED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation  
(Doc. No. 8) of Magistrate Judge Lenihan, dated October 24, 2005, is adopted as the opinion  
of the court.

Judge Kim R. Gibson

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

United States District Judge

cc: Lisa Pupo Lenihan  
U.S. Magistrate Judge

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